

LAW LIBRARY OF CONGRESS  
RIGHTS OF PEOPLE WITH DISABILITIES

ZIMBABWE

*SUMMARY*

In 1992, Zimbabwe enacted the **Zimbabwean Disabled Persons Act** (“Act”) which regulates the rights of disabled persons in the areas of barrier-free access and employment. The Act is under the jurisdiction of the Minister of Public Services, Labor and social Welfare, vested with rule-making power. The act extends to the entire population. There is a National Disability Board tasked with the administration of the act, as well as certain aspects of its enforcement. The law established penalties for violations. It has all the characteristics of a **civil rights** statute.

**Statutory Scope.**

The Act prohibits discrimination based on disabilities in two main areas of human activities, i.e., access to buildings and services, and employment. Specifically, the act covers;

- Access to
  - public and private premises
  - service or amenity ordinarily provided to members of the public;
- Employment
  - advertisement for employment
  - recruitment, selection, and other hiring methods for employment
  - classification, creation of positions or their abolition
  - the determination or allocation of wages, salaries, pensions, leave, or other such benefits
  - accommodation,
  - training, apprenticeships, transfer, promotion, or retrenchment
- welfare or rehabilitation of disabled persons
- registration of
  - disabled persons
  - institutions, associations and organizations including those controlled and managed by the State and local authorities that provide services for the rehabilitation of disabled persons
  - places at which services for the rehabilitation of disabled persons are provided;
  - exemptions;
  - enforcement.

**Legislative Objective.**

The act is intended as **civil rights legislation** by which to establish and protect, through legal enforcement, the individual rights of persons with disabilities. Through the National Disability Board, the government formulates and develops measures and policies that may relate to wide range of subjects affecting the rights of persons with disabilities. The enforcement system is intended to guarantee compliance.

## **Public Policy Implementation.**

Implementation is greatly the jurisdiction of the National Disability Board. To this end, the board is authorized to:

- to issue adjustment orders under section 7 to comply with the provisions of the Act; and to
- promulgate guidance and regulations on issues such as
  - equal opportunities for disabled persons in employment, education, sports, recreation, and cultural activities with full access to community and social services;
  - rehabilitation to lead independent lives;
  - welfare, services, and service providers;
  - rehabilitating equipment and accommodations;
  - public awareness.

## **Enforcement and Remedies.**

Enforcement of the rights and compliance with the law is entrusted to the National Disability Board and the courts of law. Rights of access are in the first instance enforced through adjustment orders. In the event that the Board determines that premises, services, or amenities are inaccessible to disabled persons by reason of any structural, physical, administrative, or other barrier, the Board, subject to the provisions of this section, shall issue and serve an adjustment order to the owner of the premises or provider of the service or amenity concerned. The Order must contain a full description of the premises or service and/or amenity concerned and the grounds upon which the Board considers the premises, service, or amenity inaccessible to disabled persons.

Adjustment Orders may be appealed to administrative courts. Once the court has heard the appeal, it may either confirm, vary the adjustment order, or set it aside and make such order as to costs of the appeal as the court deems fit.

## **Affirmative Defenses.**

The following affirmative defenses are available:

- undue financial hardship resulting from complying with the order;
- the period stipulated for the implementation of the adjustment order is unreasonable;
- adequate access to the premises, service, or amenity could be secured without recourse to the action required by the adjustment order or on any other ground;
- the disabled person is not qualified for the coveted position;
- the employer or institution is exempt under the statute;
- the act or omission alleged to discriminate was not based in whole or in part on the disability.